

I have the following comments regarding the Telephone Consumer Protection Act and the federal regulations which implement it.

First, had I been aware of the Act as it was making its way through Congress in the early 1990s, I would have made my feelings known to my elected representatives. My first comment would have been that sections of the act dealing with telemarketing are "opt out" in their orientation and the sections of the act dealing with faxes are "opt in," and that distinction is not a good one to make. While I understand the concerns about unsolicited commercial faxes representing a significant cost-shift from the sender to the recipient, I feel that unwanted telemarketing calls are as big a nuisance as junk faxes. Personally, I would argue that telemarketing calls are a bigger nuisance, since, as common as fax machines have become, most persons do have telephones in their homes but do not have fax machines.

In either case, my point of view is the same: my telephone line, or my fax machine (if I choose to have one), exists for the purposes of allowing me to communicate with other people. It does not exist to allow someone to attempt to make a living at the expense of my personal time and my privacy, by trying to sell me goods and services I have not requested. Therefore, if there are federal laws and regulations concerning commercial use of phones and fax machines, those laws and regulations should require that any commercial use of those means of communication be unambiguously solicited by the receiving party. The current law allows telemarketers to call me without a prior invitation; it forbids people to send me commercial faxes without my prior express permission. Both usages of telephone lines should require prior express consent of the recipient.

Second, if telemarketing calls are allowed to proceed on an "opt out" basis, the laws and/or the regulations need to be updated to reflect current conditions, and to explicitly outlaw the various techniques used to skirt the requirements. Telemarketers, for instance, should not be allowed to hide their identities by blocking Caller ID. "Do Not Call" list regulations should be tightened: "Do Not Call" requests should be explicitly stated to take effect immediately (telemarketers should not be telling people that it may take six weeks for telemarketing calls to stop); Telemarketers calling on behalf of third parties should be required to apply a "Do Not Call" request to their entire business (people should not have to opt out of receiving calls on behalf of each client a telemarketing company has contracted with).

A national "Do Not Call" list would be a very good idea. Properly implemented, it would make it easier for consumers to avoid unwanted telemarketing calls and for telemarketers to avoid making calls to persons who do not wish to receive them. Again, I feel that a national "Do Not Call" list should contain all active telephone numbers in the USA by default, and that telemarketers should make calls only to persons who solicit them, but if "opt out" remains the law, a national list is the way to go.

Third, I object very strongly to telephone companies making money both by selling my phone number to telemarketers and then by collecting a fee from me to provide a service that allows me to weed out telemarketing calls. Phone companies should not be making money by selling my name and phone number. They should be making money by selling me telephone service. If they are allowed to make money by selling my name and phone number to telemarketers, they should not be allowed to charge me for the privilege of not receiving telemarketing calls.

Thank you for your consideration.

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